

ASSEMBLY BILL

No. 1616

Introduced by Assembly Member Niello

February 22, 2005

An act to amend Section 5090.02 of the Public Resources Code, relating to parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as introduced, Niello. Off-highway motor vehicle recreation.

The Off-Highway Motor Vehicle Recreation Act of 1988 declares that effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation. The act states that it is the intent of the Legislature that when areas or trails or portions thereof cannot be maintained to appropriate established standards for sustained long-term use, they shall be closed to use and repaired, to prevent accelerated erosion. The act also states that it is the intent of the Legislature that those areas shall remain closed until they can be managed within the soil loss standard or shall be closed and rehabilitated.

This bill would instead state that it is the intent of the Legislature that every effort shall be made to reopen those areas as soon as possible, unless they cannot be managed within the soil loss standard.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 5090.02 of the Public Resources Code is amended to read:

5090.02. (a) The Legislature finds that off-highway motor vehicles are enjoying an ever-increasing popularity in California and that the indiscriminate and uncontrolled use of those vehicles may have a deleterious impact on the environment, wildlife habitats, native wildlife, and native flora.

(b) The Legislature hereby declares that effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation.

(c) Accordingly, it is the intent of the Legislature that:

(1) Existing off-highway motor vehicle recreational areas, facilities, and opportunities be expanded and be managed in a manner consistent with this chapter, in particular to maintain sustained long-term use.

(2) New off-highway motor vehicle recreational areas, facilities, and opportunities be provided and managed pursuant to this chapter in a manner that will sustain long-term use.

(3) When areas or trails or portions thereof cannot be maintained to appropriate established standards for sustained long-term use, they shall be closed to use and repaired, to prevent accelerated erosion. ~~Those areas shall remain closed until they can~~ *Every effort shall be made to reopen those areas as soon as possible, unless they cannot be managed within the soil loss standard or shall be closed and restored.*

(4) Prompt and effective implementation of the Off-Highway Motor Vehicle Recreation Program by the Division of Off-Highway Motor Vehicle Recreation shall have an equal priority among other programs in the department.

(5) Off-highway motor vehicle recreation be managed in accordance with this chapter through financial assistance to local government and joint undertakings with agencies of the United States.